

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

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CITY COUNTY COUNCIL

PROPOSAL NO. 367, 2014

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

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INTRODUCED: 11/10/2014

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillors Barth, Talley, Lewis, Robinson, Hickman, Moriarty Adams, Osili, Miller and Hunter

DIGEST: amends the Code to create a new non-reverting Indianapolis pre-k fund; add the community affairs and education committee as a standing committee of the council; repeal the council rule on approval of charter schools; replace such rule with a new one giving the community affairs and education committee oversight of the Indianapolis pre-k program; and establish the Indianapolis pre-k program

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SOURCE:

Initiated by: Councillor Barth

Drafted by: Fred Biesecker, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: November 6, 2014

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CITY-COUNTY GENERAL ORDINANCE NO. , 2014

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to: (1) create a new non-reverting Indianapolis pre-k fund; (2) add the community affairs and education committee as a standing committee of the council; (3) repeal the council rule on approval of charter schools and replace it with a rule giving the community affairs and education committee oversight of the Indianapolis pre-k program; and (4) establish the Indianapolis pre-k program.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135, Article VII of the of the "Revised Code of the Consolidated City and County," is hereby amended by adding a NEW Section 135-791, to read as follows:

**Sec. 135-791. Indianapolis pre-k fund created.**

(a) There is hereby created a special fund, to be designated as the "Indianapolis pre-k fund," in the office of education innovation. This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to any city or county general funds.

(b) The purpose of this fund is to provide revenue for the creation, implementation and support of the Indianapolis pre-k program. The controller shall deposit in this fund all money provided for the pre-k program by all public and private sources.

(c) No money shall be expended from this fund without an appropriation by the Council.

SECTION 2. Section 151-25 of the "Revised Code of the Consolidated City and County" is hereby amended by adding the language that is underlined, and renumbering the remaining items, as follows:

**Sec. 151-25. Standing committees enumerated.**

The standing committees of the council shall be as follows:

- (1) The administration and finance committee;
- (2) The community affairs and education committee;
- (3) The ethics committee;
- (4) The metropolitan and economic development and code enforcement committee;
- (5) The municipal corporations committee;
- (6) The parks and recreation committee;
- (7) The public safety and criminal justice committee; and
- (8) The public works committee.

SECTION 3. Section 151-67 of the "Revised Code of the Consolidated City and County" is hereby amended by repealing the current language in its entirety, and substituting the following:

**~~Sec. 151-67. Approval of charter schools.~~**

~~(a) Whenever pursuant to IC 20-5.5 the mayor has recommended the issuance of a charter for a charter school in the consolidated city, such recommendation shall be referred to the committee on rules and public policy, and any councillor may introduce a proposal for a council resolution to approve the issuance of such charter.~~

~~(b) If the recommendation of the mayor has been approved by the committee on rules and public policy prior to the introduction of the proposal, such proposal shall be placed upon the agenda under Special Orders—Priority Business, and eligible for passage upon the date of introduction. Unless the council adopts a motion permitted by subsection (c), the president shall immediately call for a vote on the proposal.~~

~~(c) The only motions that shall be in order under subsection (b) are a motion to refer the proposal to the committee on rules and public policy or a motion to postpone the proposal to the next regular meeting of the council.~~

~~(d) If the proposal is referred to the committee on rules and public policy, such committee shall report at the next meeting of the council. Regardless, of whether or not such committee meets and reports, the proposal shall be placed on the agenda of the next meeting under Special Orders—Unfinished Business for action at that meeting.~~

**Sec. 151-67. Oversight of Indianapolis pre-k program.**

The community affairs and education committee shall, among other responsibilities, have oversight responsibility for the budget and expenditures of the Indianapolis pre-k program.

SECTION 4. Chapter 202, Article VI of the "Revised Code of the Consolidated City and County" is hereby amended by adding a NEW Section 202-608, to read as follows:

**Sec. 202-608. Indianapolis Pre-K Program.**

(a) As used in this Section, the following terms have the following meanings:

*Eligible child* refers to an individual who:

- (1) is at least three (3) years of age and less than five (5) years of age on August 1 of the year for which a grant is sought under the program;
- (2) is a resident of Marion County or otherwise has legal settlement in Marion County, as determined under IC 20-26-11;
- (3) subject to subsection (d), is a member of a household with an annual income that does not exceed one hundred twenty-seven percent (127%) of the federal poverty level;

- (4) receives qualified early education services from an eligible provider, as determined by the office (as defined below);
- (5) has a parent or guardian who participates in a parental engagement and involvement component provided by the eligible provider that includes a commitment to send the child to kindergarten; and
- (6) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office.

*Eligible provider* refers to a provider that satisfies the following conditions:

- (1) The provider is:

(A) a:

- (i) public school, including a charter school;
- (ii) child care center licensed under IC 12-17.2-4;
- (iii) child care home licensed under IC 12-17.2-5; or
- (iv) child care ministry registered under IC 12-17.2-6;

that meets the standards of quality recognized by a Level 3 or Level 4 paths to QUALITY program rating; or

- (B) a school that is accredited by the state board of education or a national or regional accreditation agency that is recognized by the state board of education.

- (2) The provider provides qualified early education services to eligible children.

- (3) The provider is located in Marion County.

*Office* means the office of education innovation.

*Paths to QUALITY program* has the meaning set forth in IC 12-17.2-2-14.2(b).

*Program administrator* means an entity with whom the office enters into a contract for program administration services pursuant to subsection (b). A program administrator must have demonstrated experience in building capacity for early childhood education, managing awards of grants and scholarships, and community outreach.

*Qualified early education services* refers to a program of early education services that:

- (1) is provided by an eligible provider to an eligible child;
- (2) includes a parental engagement and involvement component provided by the eligible provider that includes a commitment to send the child to kindergarten; and
- (3) administers the kindergarten readiness assessment adopted by the state board of education.

(b) The office may enter into a contract for program administration services. Any contract for program administration services must be approved by council resolution and shall be subject to annual appropriations. The council intends and expects that administrative expenses will be limited to those absolutely necessary to carry out the program.

- (c) Subject to the requirements of this Section, the office or program administrator shall determine:

- (1) the eligibility requirements, application process, and selection process for awarding grants under the program; provided, however, that no taxpayer funds may be used for grants to providers, and grants to providers shall be limited to twenty-five percent (25%) of non-taxpayer funds allotted to the program;

- (2) the administration and reporting requirements for eligible providers participating in the program; and
- (3) with the assistance of the Indianapolis pre-k advisory commission, an appropriate outcomes based accountability system for eligible providers.

(d) The office or program administrator shall, subject to the availability of funding, determine the number of eligible children who will participate in the program. If the number of eligible children exceeds the available funding, then the office or program administrator shall conduct a lottery process to select the eligible children who will participate in the program; provided, however, that at least twenty-five (25) percent of the eligible children selected must be three year olds, and that the office or program administrator shall use best efforts to meet the goal that fifty (50) percent of the eligible children selected be three year olds. If a family with multiple eligible children is selected, all eligible children from that family may participate in the program. If there are not enough otherwise eligible children who meet the income requirement of subsection (a) (3) and who would like to participate in the program, then the office or program administrator may, subject to approval by council resolution, select otherwise eligible children who are members of a household with an annual income that does not exceed one hundred thirty-eight percent (138%) of the federal poverty level. If there are still not enough otherwise eligible children who meet the 138 percent income requirement, then the office or program administrator may, subject to approval by council resolution, select otherwise eligible children who are members of a household with an annual income that does not exceed one hundred eighty-five percent (185%) of the federal poverty level.

(e) The office or program administrator shall determine: (1) which applicants shall be awarded a grant; and (2) subject to subsection (f) and to the availability of funding, the amount of such grant. The parents or guardians of an eligible child will direct the selection of an eligible provider, with the assistance and guidance of the program administrator.

(f) At least ten percent (10%) but not more than fifty percent (50%) of the tuition for eligible children under the program during each year must be paid from donations, gifts, grants, bequests, and other funds received from a private entity or person, from the United States government, from the State of Indiana, or from other sources.

(g) The amount of a grant made under this program to an eligible child must equal at least \$2,500 during the school year, and may not exceed \$6,800 during the school year.

(h) The office or program administrator shall submit quarterly reports on the program to the community affairs and education committee. The quarterly reports shall include, at a minimum, current information on enrollment, attendance, number of eligible providers, and results of the kindergarten readiness assessments. These reports shall also be posted on the office's website.

(i) In addition to the quarterly reports, the office or program administrator shall submit detailed evaluations of the program to the community affairs and education committee upon the conclusion of the first and second full years of the program. These reports shall also be posted on the office's website.

(j) The office or program administrator shall contract with a qualified and independent entity for the preparation of a performance audit to be completed by the end of the third full year of the program. The audit shall be submitted to the community affairs and education committee and shall be posted on the office's website.

(k) The Indianapolis pre-k advisory commission is hereby established. It shall be composed of five (5) members, four of whom must have expertise in early childhood education. The fifth member shall be a parent of a current or former program participant. The council shall appoint three (3) members, including the parent member. The mayor shall appoint two (2) members. All members shall serve two-year terms. The purpose of the commission is to evaluate the design and operation of the pre-k program and to make periodic recommendations to the office and the program administrator on how the program could be improved.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

**SECTION 6. This ordinance shall expire on December 31, 2020, unless re-authorized by the council prior to that date.**

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Maggie A. Lewis  
President, City-County Council

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NaTrina DeBow  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014, at 10:00 a.m.

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NaTrina DeBow  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Gregory A. Ballard, Mayor